IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1879 of 1999
in
SPECIAL CIVIL APPLICATIONNo 7262 of 1997

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. D.S.SINHA
and
Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GROFED EMPLOYEES UNION
Versus
RAJEEV MATHUR/ MANAGING DIRECTOR

Appearance:
1. Misc.Civil Application No. 1879 of 1999
MR MUKUL SINHA for Petitioner
MR DC DAVE for Respondents

CORAM : THE CHIEF JUSTICE MR. D.S.SINHA
and
MR.JUSTICE J.M.PANCHAL

Date of decision: 10/10/2002

ORAL JUDGEMENT

(Per : THE CHIEF JUSTICE MR. D.S.SINHA)

1. Heard Mr.Mukul Sinha, learned counsel appearing

for the applicant, and Mr.Dhaval C.Dave, learned counsel appearing for the opponents.

2. The applicant invokes contempt jurisdiction of this Court for implementation, enforcement and execution of the order dated 6th August, 1997, passed by the Industrial Tribunal, in Reference (IT) No.312/1994.

3. It cannot be gainsaid that the order sought to be enforced by the applicant, with the assistance of this Court, through its contempt jurisdiction, is an "award" as defined in Section 2(b) of the Industrial Disputes Act, 1947, and for enforcement of the order, there exists effective alternative statutory remedy under Section 33-C of the Act.

4. The contempt jurisdiction cannot be allowed to be used for the purpose of execution of any order, decree or award, especially when there is an adequate alternative remedy available therefor. This view is, inter alia, fortified by the Division Bench decision of this Court rendered in Kishorbhai Dahyabhai Solanki vs. Nagjibhai Muljibhai Patel, reported in 2002(2) Gujarat Law Herald, at page 754.

5. Under the circumstances, the Court declines to initiate contempt proceedings against the opponents. The application is dismissed. Rule is discharged. No order as to costs.

(D.S. Sinha, C.J.)

(J.M. Panchal, J.)

(patel)